

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE WAVE STUDIO, LLC, a New York
Limited Liability Corporation,

Plaintiff,

14 Civ. 8322 (CS) (PED)

v.

MASTERCARD INTERNATIONAL, INC., a
Delaware corporation; VIRTUOSO, LTD., a
Delaware corporation; and DOES 1-100,

Defendants.

DECLARATION OF ROBERT DUNCAN

I, Robert Duncan, declare under penalty of perjury as follows:

1. I am the Senior Account Manager for Print Marketing at Virtuoso, Ltd. (“Virtuoso”). I am over the age of 21, I am competent to make this Declaration, and the facts set forth in this Declaration are based on my personal knowledge unless the context reveals otherwise.

2. In my role as Senior Account Manager for Print Marketing, I am familiar with the processes and procedures employed by Virtuoso to obtain and use photographic content in publications.

3. Virtuoso does not engage in the unauthorized download of photographs from the Internet for use in hard copy or digital publications — all photographs are provided to Virtuoso by the supplier hotels and/or their management. Virtuoso does sometimes download photographs from Internet archive sites where suppliers have posted their images and granted Virtuoso permission to access them.

4. Virtuoso receives photographs in two ways: either the photos are emailed or otherwise sent directly to a Virtuoso representative by a hotel representative, or a hotel

representative uploads the photos directly to an online portal that makes the photos available on Virtuoso's Web site.

5. Virtuoso's contracts with the supplier hotels require the hotels to provide only photographs that they have the right to distribute.

6. It is not uncommon for external management companies hired by the hotels to take part in the process of supplying photos for Virtuoso publications.

7. All of the photos attached to the First Amended Complaint were provided to Virtuoso by GHM, either directly or indirectly through representatives at hotels managed by GHM.

8. To the extent the photos appeared on MasterCard's Web site during the period of the contractual agreement between MasterCard and Virtuoso, they were provided to MasterCard by Virtuoso.

9. Of the 19 Hotel Photographs attached to the First Amended Complaint, 15 were uploaded via the online portal and four were sent to Virtuoso employees via email.

10. The hotels — and their management — were solely responsible for uploading content to the online portal and thus would have been the only source of these photographs.

11. I was personally involved with the remaining four photos.

12. In 2010, I initiated an email exchange with Simone Broekhaar at The Chedi Muscat and copied an individual at GHM with the email address of ckoh@ghmhotels.com. A true and correct copy of the email exchange is attached hereto as **Exhibit 1**.

13. In response, Broekhaar attached a photo labeled "Lobby.jpg" and specifically requested that Duncan "change the image to the image attached." A true and correct copy of that photo is attached hereto as **Exhibit 2**.

14. Broekhaar copied Sheladina Joseph of GHM on this transmission.

15. The Datai Langkawi approved in 2012 the use of the image that appeared on the MasterCard Web site.

16. In the first relevant email string, I emailed Camelia Yin of The Datai Langkawi and asked for approval of a proof for Virtuoso's Best of the Best publication. A true and correct copy of the email exchange is attached hereto as **Exhibit 3**.

17. The proof was attached as "data_Proof.pdf" and contains a photo. A true and correct copy of that proof is attached hereto as **Exhibit 4**.

18. Copied on the email is Anthony Sebastian, general manager of The Datai Langkawi.

19. Earlier in the email string, I had contacted Sebastian and instructed him on the requirements for changes to the Best of the Best publication, including a new photo.

20. I expressly stated: "Please note that you must own your image in Best of the Best and by providing it to us you are granting permission for Virtuoso to print the image in the directory and feature it online in the digital edition."

21. In the second relevant email, Sebastian responded and indicated that Virtuoso "may proceed with the listing." A true and correct copy of the email exchange is attached hereto as **Exhibit 5**.

22. In 2010, Director of Sales & Marketing for The Nam Hai, Albert Lafuente, used WeTransfer.com to send four photos to Duncan labeled "The Nam Hai Pool Evening Shot.jpg, The Nam Hai Arrival Area.jpg, The Bar - Entrance.jpg, and The Nam Hai Villa.jpg." A true and correct copy of the email is attached hereto as **Exhibit 6**.

23. On information and belief, Lafuente was employed by GHM at that time.

24. Although the links embedded in the email are no longer active, Lafuente's message is still visible and it indicates that these are "our preferred images of the resort."

25. In the second relevant email, I sent Lafuente a proof for Virtuoso's Best of the Best publication. A true and correct copy of the email is attached hereto as **Exhibit 7**.

26. The proof is attached as "namh_Proof.pdf" and includes a photo that is consistent with the description for "The Nam Hai Arrival Area.jpg." A true and correct copy of that proof is attached hereto as **Exhibit 8**.

27. In the third relevant email, Lafuente approves the proof, telling me to "please go ahead." A true and correct copy of the email is attached hereto as **Exhibit 9**.

28. GHM, on behalf of The Setai Miami, provided to me in 2010 the image that appeared on the MasterCard Web site.

29. I initiated the relevant email exchange by contacting Philippe Parodi of GHM regarding a proof of Best of the Best for The Setai Miami. A true and correct copy of the email exchange is attached hereto as **Exhibit 10**.

30. On September 23, 2010, Melody Wendt of GHM (copying Parodi) sent me comments on the proof and also asked me to "replace the image with the one attached."

31. Wendt attached a photo labeled "setai625.jpg." A true and correct copy of that photo is attached hereto as **Exhibit 11**.

I declare under penalty of perjury under the laws of the United States that the foregoing statements are true and correct.

Executed this 15th day of January 2015 at Seattle, Wash.


Robert Duncan

From: Simone Broekhaar <dosm@chedimuscat.com>
Sent: Sunday, October 03, 2010 11:49 PM
To: Robert Duncan
Cc: Sheladina Joseph
Subject: RE: Best of the Best 2011 PROOF FOR REVIEW
Attachments: Lobby.jpg

Dear Robert,

Thank you very much for your reminder, however as in your e-mail of 27.9 you provided us with a deadline until 10 October 2010 you had not yet received a response from us. We would however be most grateful if you could please amend the following:

- * Please change "most choicest" to "most luxurious"
- * Please change "Muscat mountains" to "Hajar Mountains"
- * Please add "and Long Pool, families may make use of the Serai Pool" after Chedi Pool
- * Please change "an upscale restaurant" to "a choice of five restaurants offering indoor dining and al fresco dining"
- * Could you also please change the image to the image attached? I have sent the attached image to you by yousendit.com also in case the resolution is not quite high enough.
- * Please change the number of rooms to 159.

Could you please send us an altered proof? Thank you very much in advance, I look forward to hearing from you.

Kind regards,

Simone Broekhaar

Director of Sales & Marketing
The Chedi Muscat
P.O. Box 964, Al Khuwair
Postal Code 133
Muscat, Sultanate of Oman
Tel No. + 968 24 52 44 88
Fax No. + 968 24 49 44 86
E-Mail: dosm@chedimuscat.com
Web pages: www.ghmhotels.com & www.ghmluxuryhotels.com

A member of The Leading Hotels of the World®

-----Original Message-----

From: Robert Duncan [<mailto:rduncan@virtuoso.com>]
Sent: Monday, October 04, 2010 3:57 AM
To: Simone Broekhaar
Cc: ckoh@ghmhotels.com
Subject: Best of the Best 2011 PROOF FOR REVIEW

Dear Ang,

PLEASE NOTE: AT THIS TIME I HAVE NOT YET RECEIVED YOUR EDITS OR APPROVAL TO THE ATTACHED, WHICH WERE DUE ON FRIDAY. IF I DO NOT RECEIVE YOUR FEEDBACK BY WEDNESDAY, 10/6/2010, YOUR LISTING WILL PRINT AS-IS.

As part of your participation in the Virtuoso Hotels & Resorts Program, you will be featured with a 1/3 page listing in the 2011 edition of Best of the Best. Please find your listing attached for approval with your index attributes marked below. Please review the attached and respond with your edits or approval.

Only changes that make the copy more accurately depict your property will be made. We will not be able to make stylistic edits. If you would like to make copy edits, please indicate where you would like the change to be made and send the exact word-for-word phrasing that you wish substituted. The total word count for the main body copy should stay around 100.

Also, your Virtuoso Amenity is meant to highlight one or two unique, value-added offerings and there is generally not space to feature all of your amenities. Upgrade upon arrival, breakfast for two daily, early check-in/late checkout and preferred rates and availability are already described on the first page of the book for all properties and will not be featured in your individual listing.

Don't hesitate to contact me with any questions and I look forward to hearing from you soon.

Thanks and best regards,

Robert

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Robert Duncan
Account Manager - Direct Marketing
Virtuoso, Ltd.
ched



From: Robert Duncan
Sent: Friday, September 21, 2012 5:07 PM
To: Camelia Yim
Cc: Anthony Sebastian; Joanne Gasper; Harjeet Amber
Subject: RE: RESEND - For Review: Virtuoso Best of the Best 2013 proof
Attachments: data_Proof.pdf

Thank you for sending your edits. Unfortunately with your changes the copy was running long and had to be edited. Will you please let me know if the revised attached is approved on Monday?

Best,
Robert

--
Robert Duncan | Senior Account Manager, Marketing
Virtuoso® | 1001 SW Klickitat Way STE 105 | Seattle, WA 98134 | 206.254.2906

This message is directed only to the intended recipient. If you are not the intended recipient, please delete this message.

From: Camelia Yim [mailto:cameliayim@shr.my]
Sent: Thursday, September 20, 2012 2:30 AM
To: Robert Duncan
Cc: Anthony Sebastian; Joanne Gasper; Harjeet Amber
Subject: RESEND - For Review: Virtuoso Best of the Best 2013 proof
Importance: High

Dear Robert

Please discard my earlier email and refer to this latest email.

1. Please replace the resort description with attached in Word doc.
2. Tick Culinary Program
3. Number of Rooms should be 124
4. Distance from Langkawi Airport (LGK): 35 minutes

My apologies for the inconvenience caused.

Thank you & best regards.

ARCHIPELAGO
HOTELS & RESORTS

Camelia Yim
Marketing Communications Manager

From: Camelia Yim
Sent: Thursday, September 20, 2012 4:06 PM
To: 'rduncan@virtuoso.com'
Cc: 'Anthony Sebastian'; 'Joanne Gasper'; 'Harjeet Amber'
Subject: FW: For Review: Virtuoso Best of the Best 2013 proof

Dear Robert

Hope this email find you well and fine.

I am writing to provide comments on the Best Directory proof for The Datai Langkawi.

1. Please replace the resort description with attached in Word doc.

2. Tick Culinary Program

Once the above comments are done, we are set to go.

Thank you & best regards.

ARCHIPELAGO
HOTELS & RESORTS

Camelia Yim

Marketing Communications Manager

Archipelago Hotels and Resorts Sdn Bhd – (Company No. 892213-V)

Level 3A-3, Building B, Peremba Square, Saujana Resort, Section U2, 40150 Shah Alam, Selangor Darul Ehsan, Malaysia

P: +603 7622 6600 **M:** +6012 344 5011 **F:** +603 7622 6606 **E:** cameliayim@shr.my **W:** www.shr.my

This email message and enclosures are confidential and are intended solely for the named addressee(s). If you receive this email in error, please notify the sender by return email and delete all copies of this message from your computer network. All statements made in this e-mail are subject to contract. The contents are not to be regarded as a contractual offer or acceptance. Attachments to this email may contain software viruses that could damage your computer system despite our efforts to minimise the risk of such viruses. You should carry out your own virus checks before opening any attachment.

-----Original Message-----

From: Robert Duncan [<mailto:rduncan@virtuoso.com>]

Sent: Monday, 17 September, 2012 7:29 AM

To: Anthony Sebastian

Subject: For Review: Virtuoso Best of the Best 2013 proof

Dear Anthony,

Please find your 2013 Best of the Best directory proof attached for review. Will you please review the attached and respond with your approval or any updates on or before Friday, 9/21/2012?

Please note that only changes that make the copy more accurately depict your property will be made. We will not be able to make stylistic edits. If you would like to make copy edits, please indicate where in the text you would like the change made and send the exact word-for-word phrasing that you wish substituted. The total word count for the main body copy must stay at or below 100.

If you wish to feature a new image, I can receive up to 8 MB via email or I recommend www.yousendit.com or www.wetransfer.com. Please note that you must own your image in Best of the Best and by providing it to us you are granting permission for Virtuoso to print the image in the directory and feature it online in the digital edition. We cannot accept stock photography.

Also, your Virtuoso Amenity is meant to highlight one or two unique, value-added offerings and there is not space to feature all of your amenities. All amenities are per room unless otherwise noted. Upgrade upon arrival, breakfast for two daily, early check-in/late checkout and preferred rates and availability are already included on the first page of the book for all properties and will not be featured in your individual listing.

Finally, your index attributes will be simple check marks at the back of the directory. Please take guest expectations into account when you are deciding what to highlight. There is not space available to add any terms, conditions or explanation. For the new "Shopping Area" category, you must have at least 5+ retail outlets nearby or on-site, not including a gift shop. For "Culinary Program", this is meant for ongoing classes/tastings/tours, not to indicate that you have dining available. For the number of rooms, this must be the total number and we are not able to divide it up between categories. Regarding the distance to the airport, we are only able to list one airport.

There is no additional cost for this listing as it is part of your participation in the 2013 Virtuoso Hotels & Resorts program.

Don't hesitate to contact me with any questions and I look forward to hearing from you soon.

Thanks and best regards,

Robert

--

Robert Duncan
Senior Account Manager, Direct Marketing Virtuoso, Ltd.
data

BEST OF THE BEST

Your Guide to the World's Best Hotel Experiences

PROOF

Section: ASIA & PACIFIC



THE DATAI LANGKAWI

Langkawi, Malaysia

With its tropical rainforest setting and secluded white sandy beach on the Andaman Sea, The Datai Langkawi provides the ultimate escape. Choose from several room styles, including the new Beach Villas, which feature separate living areas that flow effortlessly to an enclosed lush outdoor garden, complete with a rain shower and 40-foot private swimming pool. Make time for treatments at The Spa at The Datai. Later, savor Thai specialties along with rainforest and ocean views at The Pavilion, local curry and Indian specialties in a lush setting at The Gulai House or a mix of Malaysian and Western cuisines at The Dining Room.

Distance from Langkawi Airport (LGK): 35 minutes

VIRTUOSO AMENITY

Balinese massage for two, once per stay.

IN THE KNOW

Consider a Spa Ritual Package, in which you're pampered with a different holistic spa treatment each day of your stay.

Index: ☒ Beach ☒ Golf ☒ Pool ☒ Spa
☐ Children's Program ☐ Michelin Star Restaurant ☐ Shopping Area ☒ Villas
☒ Culinary Program ☐ Pet-Friendly ☐ Ski Area

Number of Rooms: 124

This proof is a close facsimile of your listing in the Best of the Best directory. Please use it to approve the text and photo. Adjustments will be made to the final layout as needed for spacing and other issues.

From: Anthony Sebastian <anthonysebastian@dataihotels.com>
Sent: Friday, September 21, 2012 5:11 PM
To: Robert Duncan; Camelia Yim
Cc: Harjeet Amber
Subject: RE: RESEND - For Review: Virtuoso Best of the Best 2013 proof

Dear Robert,

Thank you for sending through the revised edited copy and it is fine with us.

You may proceed with the listing

Thank you and kind regards

Anthony

Anthony A. Sebastian
GENERAL MANAGER



Jalan Teluk Datai, 07000 Pulau Langkawi, Kedah Darul Aman, Malaysia
Telephone : +60 4 959 2500 Fax: +60 4 959 2602 Mobile: + 60 14 328 2261
anthonysebastian@dataihotels.com www.dataihotels.com

TripAdvisor 2012 Traveler's Choice Award - Overall Winner in Four Categories
TripAdvisor 2012 Certificate of Excellence Award
Condé Nast Traveller UK - Readers' Travel Award 2011
SmartTravelAsia.com - Best in Travel Pool 2011
Best of Malaysia Awards 2011 - Excellent Award in The Best Eco
Bloomberg Asia Pacific Hotel Awards 2011-12 – Best Resort Hotel in Malaysia
SmartTravelAsia.com - Best in Travel Pool 2012



From: Robert Duncan [mailto:rduncan@virtuoso.com]
Sent: Saturday, 22 September, 2012 6:07 AM
To: Camelia Yim
Cc: Anthony Sebastian; Joanne Gasper; Harjeet Amber
Subject: RE: RESEND - For Review: Virtuoso Best of the Best 2013 proof

Thank you for sending your edits. Unfortunately with your changes the copy was running long and had to be edited. Will you please let me know if the revised attached is approved on Monday?

Best,
Robert

--

Robert Duncan | Senior Account Manager, Marketing
Virtuoso® | 1001 SW Klickitat Way STE 105 | Seattle, WA 98134 | 206.254.2906

This message is directed only to the intended recipient. If you are not the intended recipient, please delete this message.

From: Camelia Yim [<mailto:cameliayim@shr.my>]
Sent: Thursday, September 20, 2012 2:30 AM
To: Robert Duncan
Cc: Anthony Sebastian; Joanne Gasper; Harjeet Amber
Subject: RESEND - For Review: Virtuoso Best of the Best 2013 proof
Importance: High

Dear Robert

Please discard my earlier email and refer to this latest email.

1. Please replace the resort description with attached in Word doc.
2. Tick Culinary Program
3. Number of Rooms should be 124
4. Distance from Langkawi Airport (LGK): 35 minutes

My apologies for the inconvenience caused.

Thank you & best regards.

ARCHIPELAGO
HOTELS & RESORTS

Camelia Yim
Marketing Communications Manager

From: Camelia Yim
Sent: Thursday, September 20, 2012 4:06 PM
To: 'rduncan@virtuoso.com'
Cc: 'Anthony Sebastian'; 'Joanne Gasper'; 'Harjeet Amber'
Subject: FW: For Review: Virtuoso Best of the Best 2013 proof

Dear Robert

Hope this email find you well and fine.

I am writing to provide comments on the Best Directory proof for The Datai Langkawi.

1. Please replace the resort description with attached in Word doc.
2. Tick Culinary Program

Once the above comments are done, we are set to go.

Thank you & best regards.

ARCHIPELAGO
HOTELS & RESORTS

Camelia Yim
Marketing Communications Manager
Archipelago Hotels and Resorts Sdn Bhd – (Company No. 892213-V)

Level 3A-3, Building B, Peremba Square, Saujana Resort, Section U2, 40150 Shah Alam, Selangor Darul Ehsan, Malaysia

P: +603 7622 6600 M: +6012 344 5011 F: +603 7622 6606 E: cameliayim@shr.my W: www.shr.my

This email message and enclosures are confidential and are intended solely for the named addressee(s). If you receive this email in error, please notify the sender by return email and delete all copies of this message from your computer network. All statements made in this e-mail are subject to contract. The contents are not to be regarded as a contractual offer or acceptance. Attachments to this email may contain software viruses that could damage your computer system despite our efforts to minimise the risk of such viruses. You should carry out your own virus checks before opening any attachment.

-----Original Message-----

From: Robert Duncan [<mailto:rduncan@virtuoso.com>]

Sent: Monday, 17 September, 2012 7:29 AM

To: Anthony Sebastian

Subject: For Review: Virtuoso Best of the Best 2013 proof

Dear Anthony,

Please find your 2013 Best of the Best directory proof attached for review. Will you please review the attached and respond with your approval or any updates on or before Friday, 9/21/2012?

Please note that only changes that make the copy more accurately depict your property will be made. We will not be able to make stylistic edits. If you would like to make copy edits, please indicate where in the text you would like the change made and send the exact word-for-word phrasing that you wish substituted. The total word count for the main body copy must stay at or below 100.

If you wish to feature a new image, I can receive up to 8 MB via email or I recommend www.yousendit.com or www.wetransfer.com. Please note that you must own your image in Best of the Best and by providing it to us you are granting permission for Virtuoso to print the image in the directory and feature it online in the digital edition. We cannot accept stock photography.

Also, your Virtuoso Amenity is meant to highlight one or two unique, value-added offerings and there is not space to feature all of your amenities. All amenities are per room unless otherwise noted. Upgrade upon arrival, breakfast for two daily, early check-in/late checkout and preferred rates and availability are already included on the first page of the book for all properties and will not be featured in your individual listing.

Finally, your index attributes will be simple check marks at the back of the directory. Please take guest expectations into account when you are deciding what to highlight. There is not space available to add any terms, conditions or explanation. For the new "Shopping Area" category, you must have at least 5+ retail outlets nearby or on-site, not including a gift shop. For "Culinary Program", this is meant for ongoing classes/tastings/tours, not to indicate that you have dining available. For the number of rooms, this must be the total number and we are not able to divide it up between categories. Regarding the distance to the airport, we are only able to list one airport.

There is no additional cost for this listing as it is part of your participation in the 2013 Virtuoso Hotels & Resorts program.

Don't hesitate to contact me with any questions and I look forward to hearing from you soon.

Thanks and best regards,

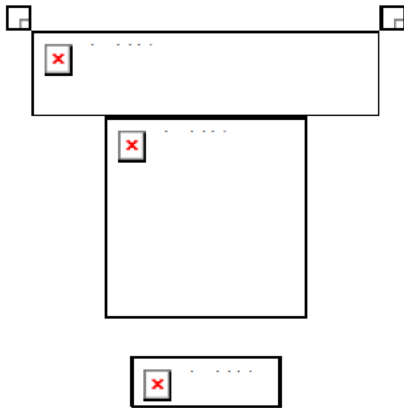
Robert

--

Robert Duncan

Senior Account Manager, Direct Marketing Virtuoso, Ltd.
data

From: WeTransfer <noreply@wetransfer.com>
Sent: Wednesday, September 29, 2010 8:52 PM
To: Robert Duncan
Subject: dosm@thenamhai.com has sent you a file via WeTransfer

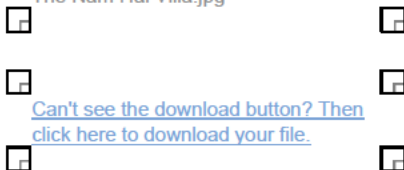


Hi Robert Thank you for the reminder. Please see attached our preferred images of the resort. Cheers Albert



dosm@thenamhai.com
has sent you a file.

WeTransfer-UAQfNat0.zip
(29MB)
containing the following file(s):
The Nam Hai Pool Evening Shot.jpg
The Nam Hai Arrival Area.jpg
The Bar - Entrance.jpg
The Nam Hai Villa.jpg



[Can't see the download button? Then click here to download your file.](#)

If you have any questions about WeTransfer, or to read our [terms](#) and [privacy policy](#), please visit wetransfer.info. © 2010 WeTransfer

From: Robert Duncan
Sent: Friday, October 01, 2010 3:16 PM
To: 'dosm@thenamhai.com'
Subject: Best of the Best 2011 PROOF FOR REVIEW
Attachments: namh_Proof.pdf

Dear Albert,

Thank you for sending changes to your Best of the Best listing. You'll note in the attached that they have been made. Will you please send me your approval at your earliest convenience?

Thanks and best regards,

Robert Duncan

Account Manager – Direct Marketing
Virtuoso, Ltd.
namh

BEST OF THE BEST

Your Guide to the World's Best Hotel Experiences

PROOF

Section: ASIA & PACIFIC



THE NAM HAI

Hoi An, Vietnam

Sitting on an enviable stretch of China Beach near historic Hoi An, The Nam Hai is a prestigious luxury resort catering to the savviest of travelers. Architecture and nature harmonize in a lush setting, making the most of views across the South China Sea and the surrounding tropical grounds. Each villa is an immaculate escape complete with indoor and outdoor sitting areas and, in the case of the Pool Villas, a private swimming pool. No visit is complete without treatments at the tranquil spa, with its spacious pavilions, chromotherapy baths, relaxation area and steam showers.

Distance from Da Nang Airport (DAD): 25 minutes

VIRTUOSO AMENITY

Champagne and canapés in room upon arrival and, for stays of two nights or more, dinner for two, once per stay.

IN THE KNOW

At the east end of Hoi An's Central Market, there's a special stall for silk tailors – much more economical than those along Le Loi Street.

Index: ☒ 24 Hour Dining
☒ Beach
☒ Business Center

☒ Butler Service
☒ Children's Program
☒ Conference Facilities

☒ Fitness Facility
☒ Golf
☐ Pets Allowed

☒ Pool
☒ Spa

Number of Rooms: 100

This proof is a close facsimile of your listing in the Best of the Best directory. Please use it to approve the text and photo. Adjustments will be made to the final layout as needed for spacing and other issues.

From: Albert Lafuente <dosm@thenamhai.com>
Sent: Friday, October 01, 2010 9:14 PM
To: Robert Duncan
Subject: Re: Best of the Best 2011 PROOF FOR REVIEW

Dear Robert, please go ahead...

Albert

----- Original Message -----

From: "Robert Duncan" <rduncan@virtuoso.com>
To: <dosm@thenamhai.com>
Sent: Saturday, October 02, 2010 3:16 AM
Subject: Best of the Best 2011 PROOF FOR REVIEW

Dear Albert,

Thank you for sending changes to your Best of the Best listing. You'll note in the attached that they have been made. Will you please send me your approval at your earliest convenience?

Thanks and best regards,

Robert Duncan

Account Manager – Direct Marketing
Virtuoso, Ltd.
namh

_____ NOD32 5496 (20101001) Information _____

This message was checked by NOD32 antivirus system.
<http://www.eset.com>

_____ NOD32 5496 (20101001) Information _____

This message was checked by NOD32 antivirus system.
<http://www.eset.com>

From: Melody Wendt <mwendt@ghmamericas.com>
Sent: Thursday, September 23, 2010 5:03 PM
To: Robert Duncan
Cc: Philippe Parodi
Subject: RE: Best of the Best 2011 PROOF FOR REVIEW
Attachments: setai625.jpg

Importance: High

Dear Robert,

Below please find the revised copy for The Setai insert in the Best of Best 2011. If we could please add that we have a business center and children's program, as well as replace the image to the one attached, that would be great. Thank you in advance for your help!

THE SETAI

Miami Beach (South Beach)

In the heart of South Beach, The Setai maintains a serene atmosphere complemented by Asian and Art Deco influences. Legendary hotelier Adrian Zecha created a masterpiece with this oceanfront resort: it houses myriad dining experiences, from authentic Asian to Mediterranean and seafood; three swimming pools with varying temperatures; private daybeds on the beach; exceptional concierge service; and a world-class spa, offering Pacific Rim treatments in private spa suites. Should you choose to spend your days on the beach, enjoy full VIP treatment with dedicated Pool Concierges to ensure no desire goes unfilled.

Distance from Miami Airport (MIA): 12 mi/19 km

VIRTUOSO AMENITY

\$100 spa credit, once per stay.

IN THE KNOW

The spa offers a number of Asian-inspired body/mind treatments, as well as private Pilates and yoga classes on the beach.

Best Regards,

Melody Wendt
Marketing & Public Relations Manager
The Setai South Beach
2001 Collins Avenue
Miami Beach, FL 33139
T: 305.520.6000
D: 305.520.6235
F: 305.520.6505
www.setai.com

-----Original Message-----

From: Robert Duncan [<mailto:rduncan@virtuoso.com>]
Sent: Wednesday, September 22, 2010 9:25 PM
To: Philippe Parodi
Cc: Heather Roberts
Subject: Best of the Best 2011 PROOF FOR REVIEW

Dear Philippe,

PLEASE NOTE: that I have not yet received your edits or approval on the attached, which were due on September 16. Will you please confirm that you have received this proof and send me your edits or approval at your first convenience?

As part of your participation in the Virtuoso Hotels & Resorts Program, you will be featured with a 1/3 page listing in the 2011 edition of Best of the Best. Please find your listing attached for approval with your index attributes marked below. Please review the attached and respond with your edits or approval.

Only changes that make the copy more accurately depict your property will be made. We will not be able to make stylistic edits. If you would like to make copy edits, please indicate where you would like the change to be made and send the exact word-for-word phrasing that you wish substituted. The total word count for the main body copy should stay around 100.

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Don't hesitate to contact me with any questions and I look forward to hearing from you soon.

Thanks and best regards,

Robert

—

Robert Duncan
Account Manager - Direct Marketing
Virtuoso, Ltd.

